

## REMARKS

The Final Office Action mailed October 30, 2003 has been received and reviewed. Claims 1-21 and 23-37 are pending in the application. Claims 1-15, 18-21, 23, and 25-37 stand rejected, and claims 16, 17, and 24 are objected to as depending on a rejected base claim. Submitted herewith is a declaration under 37 C.F.R. § 1.132 signed by Ashok V. Yoshi. In view of the signed declaration, reconsideration is respectfully requested.

### **Claim Rejections under 35 USC § 102(e)**

Claims 1-15, 18-21, 23, and 25-37 were rejected under 35 USC § 102(e) as assertedly being anticipated by US patent 6,591,133 B1 to Joshi. Applicant respectfully traverses the rejection.

35 USC § 102 recites in part “A person shall be entitled to a patent unless . . . (e) the invention was described in . . . (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent . . .” (35 U.S.C. § 102(e) (emphasis added)). M.P.E.P. § 716.10 states that a declaration under 37 C.F.R. § 1.32 showing that the inventor conceived or invented the subject matter of the anticipating reference will overcome a rejection under 35 USC § 102(e).

The declaration under 37 CFR § 1.132 signed by Ashok V. Yoshi submitted herewith establishes that the present application and the anticipating reference were conceived and invented by the same person. Thus, the declaration obviates the anticipation rejections of claims 1-15, 18-21, 23, and 25-37 under 35 U.S.C. § 102(e).

Accordingly, reconsideration and withdrawal of the anticipation rejections are requested.

### **Claims Objected to as Being Dependent Upon a Rejected Base Claim**

Claims 16, 17 and 24 stand objected to as depending on a rejected base claim.

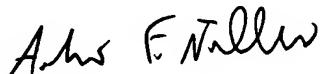
Since the declaration under 37 C.F.R. § 1.132 signed by Ashok V. Yoshi removes the anticipation rejections of the base claims, claims 16, 17 and 24 are also allowable.

Withdrawal of the objections to claims 16, 17 and 24 are requested.

**CONCLUSION**

In view of the foregoing remarks and the signed declaration presented herein, the applicant submits that the claims define patentable subject matter. If questions should remain after consideration of the foregoing, the Examiner is kindly requested to contact the applicant's attorney at the address or telephone number given herein.

Respectfully submitted,



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AFN/djm

Enclosures: Declaration under 37 U.S.C. § 1.132